

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

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|---------------------------|---|---------------------|
| United States of America, |) | |
| Plaintiff, |) | |
| v. |) | 08-0014-01-CR-W-FJG |
| Sergio Daher-Rey, |) | |
| Defendant. |) | |

ORDER

Pending before this Court is the issue of defendant's mental competency. On January 13, 2009, this Court issued an order (Doc. #33) which committed defendant for hospitalization, treatment and examination in order to determine whether defendant could be restored to competence for further proceedings.

A forensic report was prepared by Christina A. Pietz, Ph.D., ABPP (Doc. #37, July 8, 2009). It was the opinion of Dr. Pietz that defendant was competent to proceed at the time of the report (April 28, 2009). A competency hearing was held by Chief United States Magistrate Robert E. Larsen and the matter continued for further evaluation of defendant. Defendant was then evaluated by Jeannette M. Simmons, Psy.D. on August 10 and August 12, 2009. It was Dr. Simmons opinion that based on the current evaluation defendant lacked the capacity to under the proceedings against him and to assist in his defense. (Doc. #51, November 12, 2009).

The competency hearing was reconvened by Chief United States Magistrate Larsen on November 24, 2009. His report and recommendation was filed on December 17, 2009 (Doc. #55).

Therefore, with no objections having been filed and after making an independent review of the record, it is

ORDERED that the Report and Recommendation of Chief United States Magistrate Judge Robert E. Larsen (Doc. #55, filed December 17, 2009) is adopted in its entirety, and

this Court finds that defendant is incompetent to stand trial and to assist in his defense.

/s/Fernando J. Gaitan, Jr.
Fernando J. Gaitan, Jr.
Chief United States District Judge

Dated: February 11, 2010
Kansas City, Missouri